

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

KIMBERLY JACOBSON,

Plaintiff,

Civil Action No. 6:09-CV-0931

vs.

SEARS ROEBUCK AND CO., *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

Getnick, Livingston Law Firm
258 Genesee Street
Suite 401
Utica, NY 13502
Attorney for Plaintiff

Joseph DeTraglia, Esq.

Jackson, Lewis Law Firm
59 Maiden Lane
New York, NY 10038
Attorney for Defendant Sears

Dona Kahn, Esq.

Norman A. Mordue, Chief Judge U.S. District Judge

JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT

A settlement conference was held with Magistrate Judge George H. Lowe on August 12, 2010, and the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED that the above-captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion within sixty (60) days of the date of the filing of this order upon a showing that the settlement was not consummated; and it further

ORDERED that the dismissal of the above-captioned case shall become **with prejudice** on the sixty-first day after the date of the filing of this order unless a party moves to re-open this case within sixty (60) days of the date of the filing of this order upon a showing that the settlement was not consummated.

IT IS SO ORDERED

Date: August 13, 2010


Norman A. Mordue
Chief United States District Court Judge